

provisions of this section is subject to a fine of not more than \$2,500 or imprisonment for not more than one year, or both.

§3.304 Special requirements under the Toxic Substances Control Act.

(a) Notwithstanding any other provisions of this part, members of the Interagency Testing Committee established under section 4(e) of the Toxic Substances Control Act (15 U.S.C. 2603(e)) and their designees may not:

(1) Accept employment or compensation from any person subject to any requirement of the Act, or to any rule or order issued under it, for a period of twelve months after their committee service ceases; or

(2) Hold any stocks or bonds or have any substantial pecuniary interest in any person engaged in the manufacture, processing or distribution in commerce of any substance or mixture subject to any requirement of the Act or of any rule or order issued under it.

(b) This provision is enforceable by an action for a court order to restrain violations.

§3.305 Special requirements under the Surface Mining Control and Reclamation Act.

(a) Notwithstanding any other provisions of this part, no employee who performs any function or duty under the Surface Mining Control and Reclamation Act (such as reviewing Environmental Impact Statements of the Office of Surface Mining in the Department of the Interior) may have a direct or indirect interest in underground or surface coal mining operations. Regulations of the Office of Surface Mining at 30 CFR 706.3 define the terms "direct financial interest" and "indirect financial interest" as follows:

(1) *Direct financial interest.* Means ownership or part ownership by an employee of land, stocks, bonds, debentures, warrants, a partnership, shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property and other financial relationships.

(2) *Indirect financial interest.* Means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's functions or duties and the coal mining operation in which the spouse, minor children or other resident relative holds a financial interest.

(b) Violation of these restrictions is punishable by a fine of up to \$2,500 or imprisonment for not more than one year, or both.

APPENDIX A TO SUBPART C—PROCEDURES FOR FILING CONFIDENTIAL STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST

(1) *Submission*—Each employee required to submit a Confidential Statement of Employment and Financial Interests must submit the completed EPA Form 3120-1 within 30 days after entrance on duty or (where the position is not specifically listed in this part) within 30 days after being notified of the requirement to file. Interests which are exempt from the prohibition of 18 U.S.C. 208(a) (except for interests in mutual funds) need not be reported. See §3.301(b). The completed form is sent to the Deputy Ethics Official for the employee's organization. Headquarters employees in the Office of General Counsel and employees in the immediate Office of the Administrator submit their forms to the Designated Agency Ethics Official.

(2) *Decisions.* When there appears to be a conflict between the employee's financial interests and the performance of Government duties, the reviewer provides the employee an opportunity to discuss the matter. Deputy Ethics Officials should discuss any such problems with the Designated Agency Ethics Official, who determines if divestiture is required. See §3.202(c). The Inspector General may be asked to investigate the circumstances of apparent violations of the conflict of interest laws or these regulations.

(3) *Supplemental Statements*—For purposes of annual review, employees who are required to submit EPA Form 3120-1 must submit a new statement each July by no later than July 31, even if no changes have taken place during the year.

Deputy Ethics Officials must notify such employees of this requirement and must complete review of the statements within 30 days after submission. By September 30 of